

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Large-scale Amendment from Low Density Residential and Planned Development to Planned Development, and Rezoning from A-1 (Agriculture) and PCD (Planned Commercial District) to PUD (Planned Unit Development); Mikler/Red Bug PUD (CPH Engineers, Inc., Applicant)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Matthew West **CONTACT:** Cindy Matheny ^{CM} **EXT.** 7430

Agenda Date 7/10/02 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend approval of the land use amendment from Low Density Residential and Planned Development to Planned Development, and rezoning from A-1 (Agriculture) and PCD (Planned Commercial District) to PUD (Planned Unit Development), for property located south of Red Bug Lake Road and east of Mikler Road, with findings determined at the public hearing; or
2. Recommend denial of the land use amendment from Low Density Residential and Planned Development to Planned Development, and rezoning from A-1 (Agriculture) and PCD (Planned Commercial District) to PUD (Planned Unit Development), for property located south of Red Bug Lake Road and east of Mikler Road, per staff findings and recommendations; or
3. Continue the public hearing to a time and date certain.

(District 1 – Commissioner Maloy)

(Cindy Matheny, Senior Planner)

BACKGROUND:

The applicant, CPH Engineers, Inc., is requesting approval of a large-scale land use amendment from Low Density Residential (LDR) and Planned Development (PD) to Planned Development (PD) and associated rezoning from A-1 (Agriculture) and PCD

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____

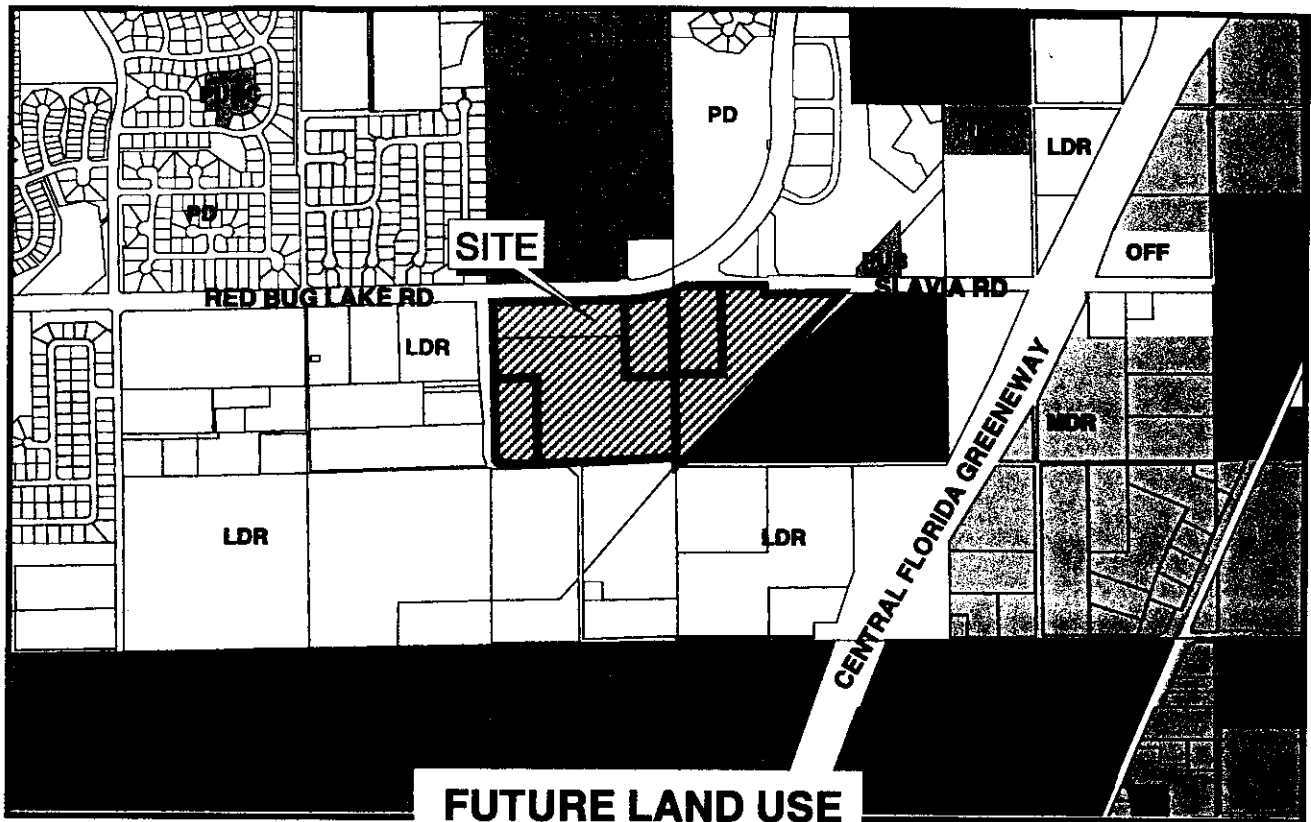
File No. Z2002-010 & 02F.FLU1

(Planned Commercial District) to PUD (Planned Unit Development) for this 55.6-acre parcel of land. The applicant proposes to develop a mixture of retail commercial and multi-family residential on the site.

RECOMMENDATION:

Staff recommends denial of the request, based upon staff findings included in the attached staff report.

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FUTURE LAND USE

Site Municipality COM LDR PUB PUBC PD IND SE
 MDR OFF HDR

Applicant: Javier E. Omana/CPH Engineers, Inc.

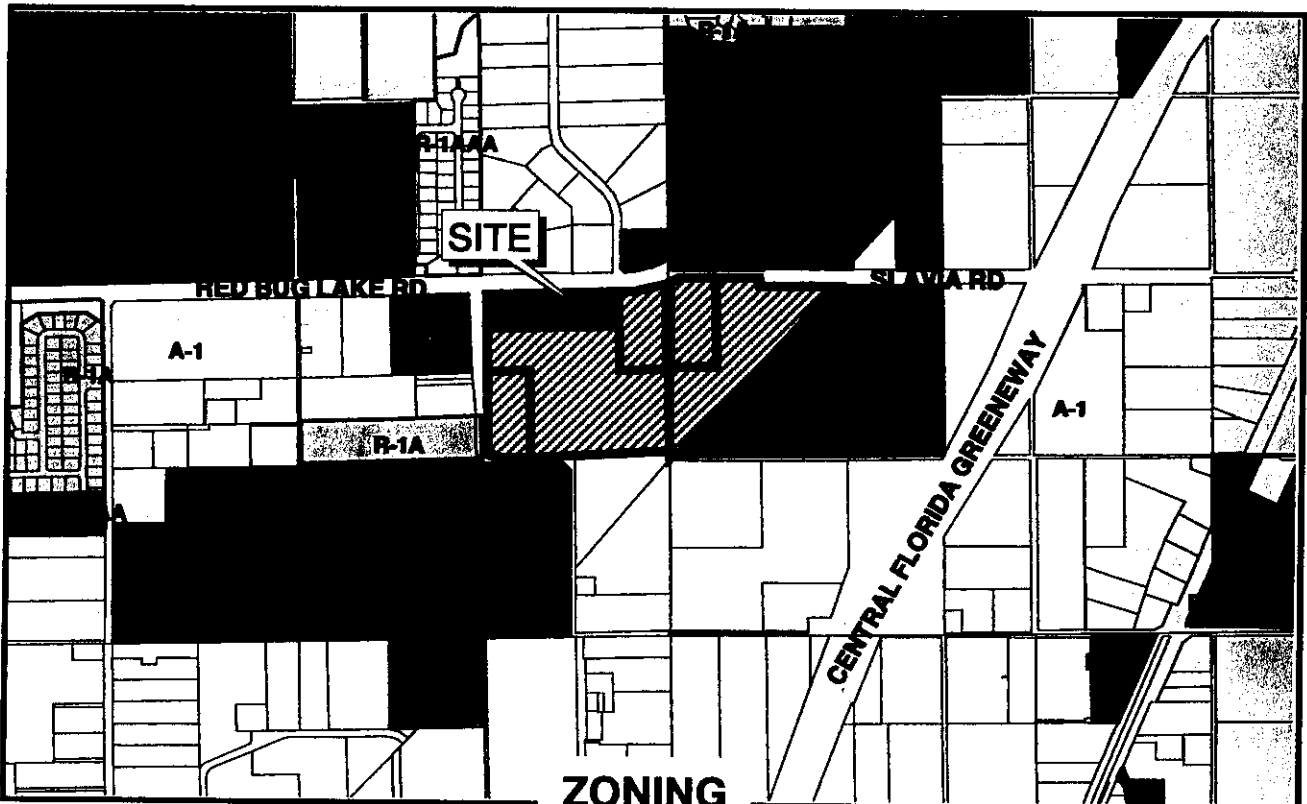
Physical STR: 16-21-31-5AC-0000-0670, 0680, 0800, 0810, & 0830

Gross Acres: 55.6 BCC District: 1

Existing Use: Vacant and driving range

Special Notes:

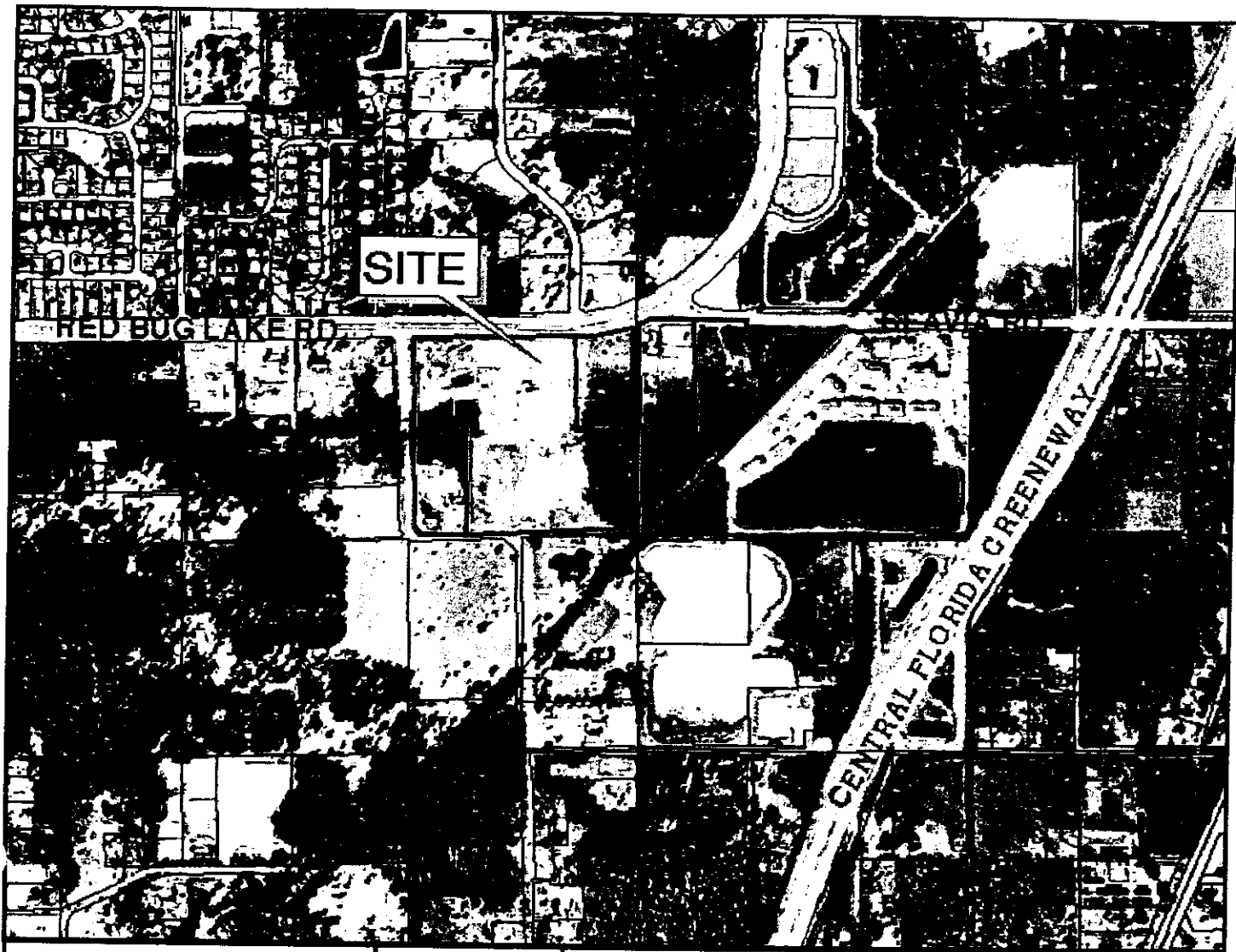
	Amend/ Rezone#	From	To
FLU	02F.FLU01	LDR & PD	PD
Zoning	Z2002-010	A1 & PCD	PUD





ZONING

A-1 R-4 C-2 C-3 PCD PUD R-1A R-1AA R-1AAA
 R-3A

filename: /plan/cpcr02/amend/z2002-010.apr/z2002-010staffcolor 06/13/02



Amendment No. 02F.FLU01
From: LDR To: MD

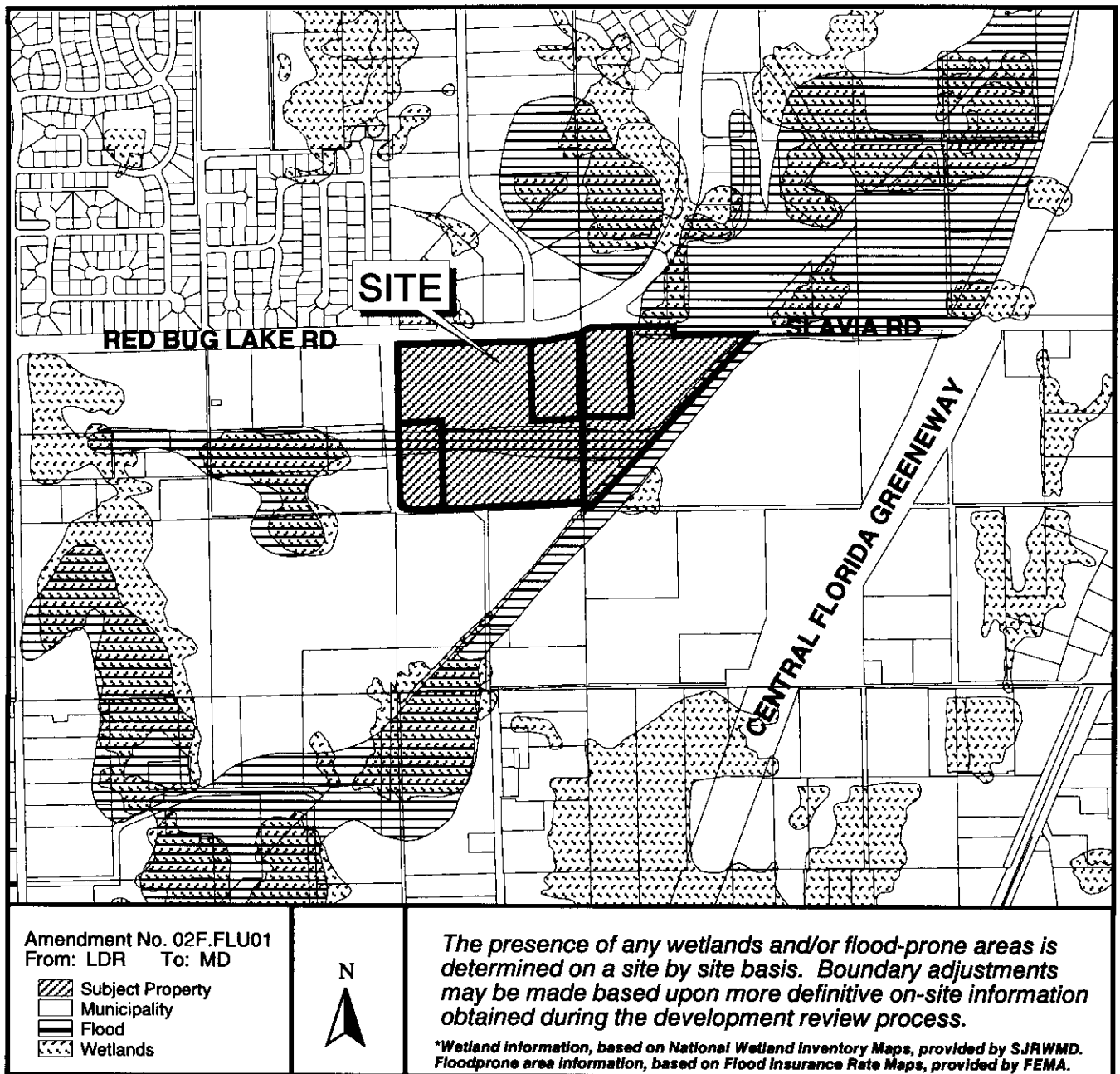
-  Subject Property
-  Parcelbase

N



February 1999 Color Aerials

CONSERVATION



filename: /plan/cpcr02/amend/z2002-010.apr/z2002-010cons 04/25/02

EXECUTIVE SUMMARY

Low Density Residential and Planned Development to Planned Development		Amendment 02F.FLU01 & Z2002-010
REQUEST		
APPLICANT	CPH Engineers, Inc.	
PLAN AMENDMENT	Low Density Residential (LDR) and Planned Development (PD) to Planned Development (PD)	
REZONING	A-1 (Agriculture) and PCD (Planned Commercial District) to PUD (Planned Unit Development)	
APPROXIMATE GROSS ACRES	55.6	
LOCATION	South of Red Bug Lake Road and east of Mikler Road	
SPECIAL ISSUES	None	
BOARD DISTRICT	#1 – Commissioner Maloy	
RECOMMENDATIONS AND ACTIONS		
STAFF RECOMMENDATION July 10, 2002	<p>PLAN AMENDMENT: Recommend denial of Planned Development land use with findings that Planned Development land use, as proposed, would be:</p> <ol style="list-style-type: none">1. Inconsistent with Plan policies related to the Planned Development land use designation; and2. Inconsistent with adjacent Low Density Residential land use; and3. Inconsistent with Plan policies related to mixed-use development; and4. Inconsistent with development in the immediate area; and5. Inconsistent with Plan policies identified at this time. <p>REZONE: Based on the above analysis, staff recommends:</p> <ol style="list-style-type: none">1. The request, as proposed, would be incompatible with surrounding development; and2. The request, as proposed, would be inconsistent with the Seminole County Land Development Code regarding PUD zoning. <p>(see next page)</p>	

STAFF ANALYSIS

Low Density Residential and Planned Development to Planned Development	Amendment 02F.FLU01 & Z2001-010
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1. **Property Owners:** Steve and Judy S. Richart; Janet L. Stone, Trustee; Joseph L. and Sheri T. Denberg; Robert T. and Becky A. Navidomskis
2. **Tax Parcel Numbers:** 16-21-31-5CA-0000-0810; 16-21-31-5CA-0000-0800; 16-21-31-5CA-0000-0670; 16-21-31-5CA-0000-0830; 16-21-31-5CA-0000-0860
3. **Development Trends:** Development trends south of Red Bug Lake Road primarily consist of single-family and multi-family residential projects. The northwest corner of the site (6.8 acres) was rezoned to PCD for office and retail uses in 2001. Parcels north of Red Bug Lake Road are developed, or planned to be developed, with office and commercial uses.

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES:

- a. The A-1 zoning district permits single-family development at a maximum density of one unit per acre, and a variety of agricultural and non-residential uses, such as churches. A golf driving range in the north portion of the site operates under a special exception in the A-1 district.
- b. Other than the parcel used for the driving range, the site contains several single-family homes. The site abuts vacant properties designated Low Density Residential and zoned A-1 to the south. The property to the west of Mikler Road is under development for elder apartments, and there is an existing apartment complex to the east. Development to the north consists of office and commercial uses.

Location	Future Land Use*	Zoning*	Existing Use
Site	Low Density Residential and Planned Development	A-1 and PCD	Golf Driving Range and Single-family
North	Suburban Estates and Planned Development	Planned Unit Development	Convenience store and vacant
South	Low Density Residential	A-1	Vacant and Single-family
East	High Density Residential	R-4	Apartment complex
West	Low Density Residential and Planned Development	A-1 and Planned Unit Development	Vacant and elder apartments (under construction)

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment does not alter the options or long-range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Red Bug Lake Road, an arterial road operating at LOS "A" with an adopted LOS of "E". The applicant also proposes access to Mikler Road and Slavia Road, which are local roads.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County.*

The subject properties are within the Seminole County Utilities water and sewer service area.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Rescue Red Bug Station (Station # 27). Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

3. REGULATIONS - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows: No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A preliminary review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

Approximately 10% of the site is wetlands and approximately 20% is floodprone. Development of the site must be consistent with Vision 2020 Plan policies and Land Development Code standards related to wetlands and floodprone areas.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, Planned Development land use, as proposed, would be inconsistent with Plan policies identified at this time and therefore is inconsistent with the Seminole County Vision 2020 Plan.

Applicable Plan policies include, but are not limited to, the following:

- 1. Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The applicant has submitted a preliminary PUD master plan which indicates that the eastern 20.72 acres of the site would be developed as retail commercial with a maximum building area of approximately 316,000 square feet. Proposed uses include general retail, banks, theaters, convenience stores, gas pumps, auto oil/lube establishments, discount retailers, and home improvement stores. The plan proposes a full access on Red Bug Lake Road, to be shared with the west portion of the site, and another full access onto Slavia Road.

The west 34.87 acres would be developed as multi-family units in 3 to 4 story buildings with a net density of 20 units per acre. The maximum number of units could be as high as 550. The project would utilize the shared access on Red Bug Lake Road, and a full access on Mikler Road.

The plan proposes a 50-foot wide buffer along the north, south, and west sides of the site, and a six-foot high wall would be placed within the buffers on the south and west edges. A 25-foot wide buffer would be provided along the eastern edge, where the project abuts a drainage canal and an apartment complex. The plan does not indicate building setbacks or heights, landscaping concepts, or design standards that would enhance compatibility with adjacent uses.

The intent of the Planned Development land use and associated PUD zoning is to provide for a variety of uses and intensities within a development site and encourage flexible and creative site design, and to integrate infrastructure to reduce costs, reduce the provision of excess facilities, and improve visual appearance. Further, within the PD land use, the Board may consider architectural details on a site-specific basis when determining if a PD proposal is compatible with the character of the area. Standards which may be considered include, but are not limited to, building style, design and scale, exterior building materials, roof design and construction, building size and placement, site furnishings, fences and entrance features, and the size and location of service areas. The Planned Development land use definition also includes special provisions indicating that Planned Developments require special consideration of buffers and hours of operation to maximize compatibility with adjacent land uses, and that non-residential uses should be located on the exterior of the project along major roadways and should be placed in locations that will provide convenient multi-modal access for residents, and will minimize the impact of commercial uses on adjacent and surrounding communities. Staff is of the opinion that the request does not meet the intent of the Planned Development definition and PUD zoning classification.

The undeveloped PCD project in the northwest portion of the site was approved with standards addressing architectural enhancements, operating hours, maximum building size (to avoid "big-box" type development), signage, and parking location. Staff was concerned at that time about introducing a limited office/retail development into an area that had been residential in nature. The current proposal would permit a much larger development with the associated increase in potential impacts to the surrounding area. Staff is of the opinion that any approvals should, at a minimum, incorporate the development standards utilized for the approved PCD and should reduce the proposed apartments to 2 stories adjacent to Low Density Residential land use. Because the request specifically lists home improvement stores and discount retailers as proposed uses, the development appears to include "big-box" uses that were prohibited in the PCD described above. A similar square footage limitation (30,000 square feet and no strip centers) would eliminate those uses from the PUD.

Staff believes that the proposal is not an appropriate transitional use at this location. The proposed uses are not appropriate to transition between commercial to the north and Low Density Residential to the south and west, or between multi-family uses to the east and west. Exhibit FLU 2 (Appropriate Transitional Land Uses)

indicates that community- and regional-type commercial developments are not appropriate adjacent to Low Density Residential. Additionally, intense multi-family and retail uses are not consistent or compatible with Low Density Residential uses to the south and west

2. *Neighborhood Commercial Uses:* *The County may allow commercial Plan amendments in areas designated for residential uses only under the following conditions:*

- (a) *Uses do not encourage urban sprawl;*
- (b) *Uses are located at the intersection of a collector or arterial roadways and will not set a precedent for further strip commercialization;*
- (c) *Development intensity is limited and designed to serve the needs of the immediate neighborhoods;*
- (d) *Development occurs as a planned development (including master/site plan) to provide for... ample public review...intensity limitations based on traffic impact studies...on-site and necessary off-site sidewalks...building size and location to maximize visual compatibility...sufficient setbacks, landscaping and buffers to maximize visual compatibility...appropriate hours of operation to minimize noise and lighting impacts. (Policy FLU 2.4)*

Staff does not believe that the proposal meets the above criteria because impacts to residential areas have not been addressed, the site would be developed with community-commercial type uses, and the site is not located at a major intersection.

3. *Promote Mixed-Use Centers:* *To reduce trip lengths, reduce the demand for automobile travel and discourage urban sprawl, the County shall adopt and enforce land use policies, standards and regulations that increase the County's share of the urban area's retail and employment activities, promote high intensity mixed use developments which include requirements for multi-family housing including affordable housing and provide convenient shopping adjacent to residential neighborhoods. (Policy TRA 5.2) and TRA Exhibit – 31.*

TRA Exhibit – 31 identifies the site as within a "Mixed-Use Center". A major component of the mixed-use concept is the interconnection of parcels and the integration of roadway, pedestrian, transit and bikeway systems designed to reduce demand for automobile travel. The proposal does not address these issues or the requirement for affordable housing noted above.

Other applicable plan policies include:

- Flood Plain Protection (Policy FLU 1.2)
- Wetlands Protection (Policy FLU 1.3)
- Conservation Easements (Policy FLU 1.4)
- Determination of Compatibility in the PUD Zoning Classifications (Policy FLU 2.11)
- Strip Commercial Development (Policy FLU 5.3)
- Extension of Service to New Development (Potable Water Policy 11.4.5)

Extension of Service to New Development (Sanitary Sewer Policy 14.4.4)
Access Management (Policy TRA 3.8)
Promote Mixed Use Centers (Policy TRA 5.2)
Require Multi-Modal Facilities in Site Planning and Design (Policy TRA 5.8)
On-Site Traffic Flow (Policy TRA 6.14)
Interconnecting System of Internal Streets (Policy TRA 10.1)
Review of Development Applications (Policy TRA 10.3)
Dedication of Rights-of-Way (Policy TRA 11.2)

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

Proposed PUD Plan

DESCRIPTION OF AMENDMENT AREAS / PARCELS

The subject parcels are located in the southeast corner of the Mikler Road and Red Bug Lake Road intersection in unincorporated Seminole County, Florida.

The parcels are bounded by Red Bug Lake Road and Slavia Road to the north; Bear Gully Canal to the east; and Milker road to the west. Existing uses in the immediate area include high density residential / apartments, convenience store, office, single family residences, the Oviedo Mall and adjoining retail establishments, and an adult congregate living facility (approved; constructing pending).

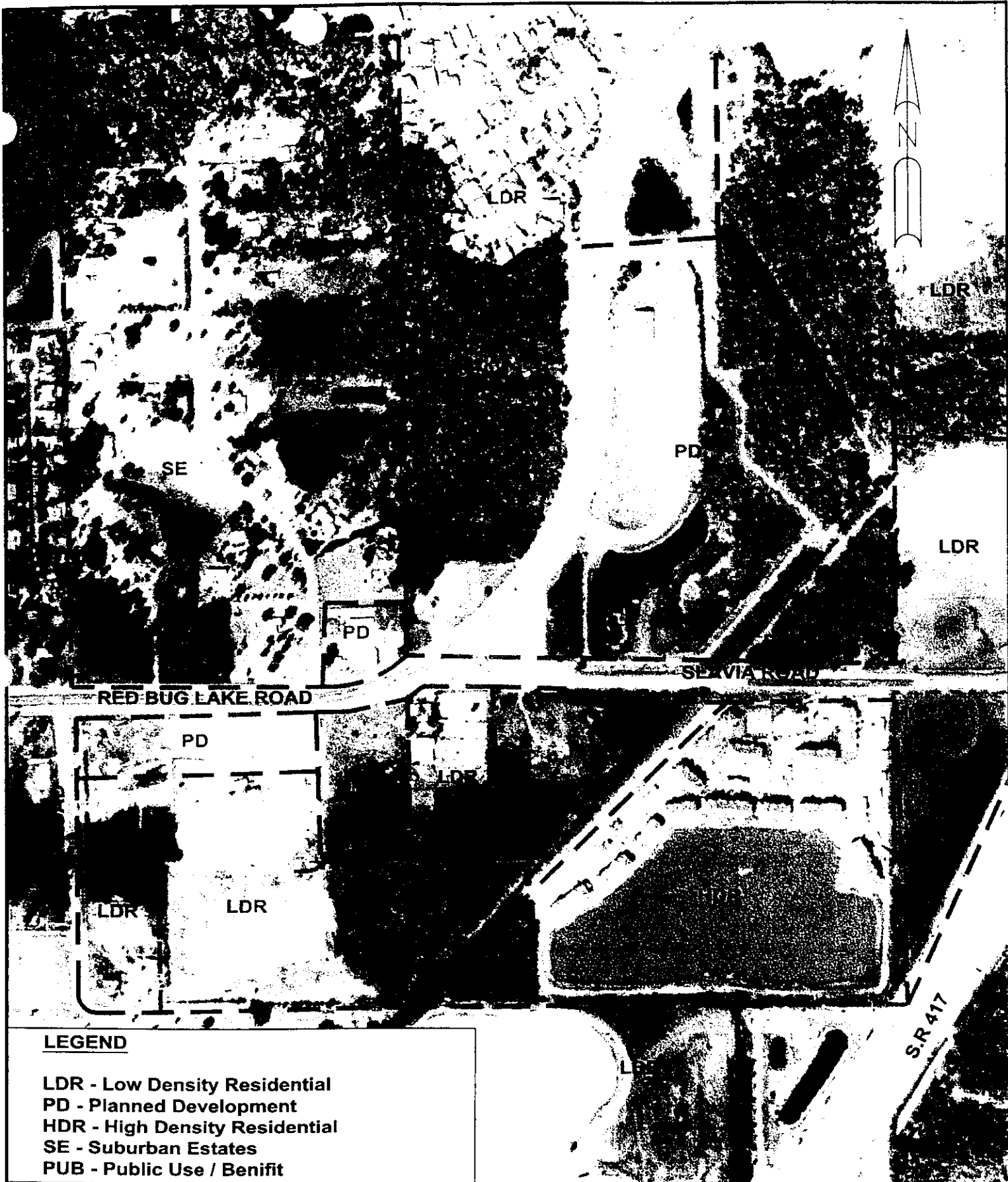
The following table depicts existing uses and future land designation:

Location	Existing Uses	Future Land Use Designation	Proposed Change
Subject Parcels	Golf range, single family, vacant	Planned Development Low Density Residential	Mixed Development
North	Single family, convenience store.	Planned Development, Suburban Estates & Low Density Residential	N/A
South	Vacant, single family	Low Density Residential	N/A
East	Apartments	High Density Residential	N/A
West	Vacant, adult congregate living facility (approved)	Low Rensity Residential	N/A

The subject parcels are located along a transitional area of Red Bug Lake Road as evidenced by the recent approved Adult Congregate Living Facility to the west, convenience stores to the north, office and retail uses to the north/northeast and high density residential to the east. The proposed land use amendment(s) are consistent with and responsive to current development (infill) trends along the corridor.

Exhibits 3 and 4 depict future land use and existing zoning designations, respectively.

THIS ANALYSIS WAS SUBMITTED BY THE APPLICANT



LEGEND

LDR - Low Density Residential
 PD - Planned Development
 HDR - High Density Residential
 SE - Suburban Estates
 PUB - Public Use / Benifit

SOURCE: SEMINOLE COUNTY FUTURE LAND USE MAP



w w w . c p h e n g i n e e r s . c o m
 1117 East Robinson Street, Suite C, Orlando, FL 32801
 Phone: 407.425.0452 Fax: 407.648.1036

Scale: 1" = 600'

Date: March 2002

Job No.: W13235

Certificate of Authorization
 No. 3215

**EXISTING/FUTURE LAND USE
 DESIGNATION**

**EXHIBIT
 3**



SOURCE: SEMINOLE COUNTY FUTURE LAND USE MAP



Engineers
Planners
Landscape Architects
Surveyors
Construction Management

www.cphengineers.com
1117 East Robinson Street, Suite C, Orlando, FL 32801
Phone: 407.425.0452 Fax: 407.648.1036

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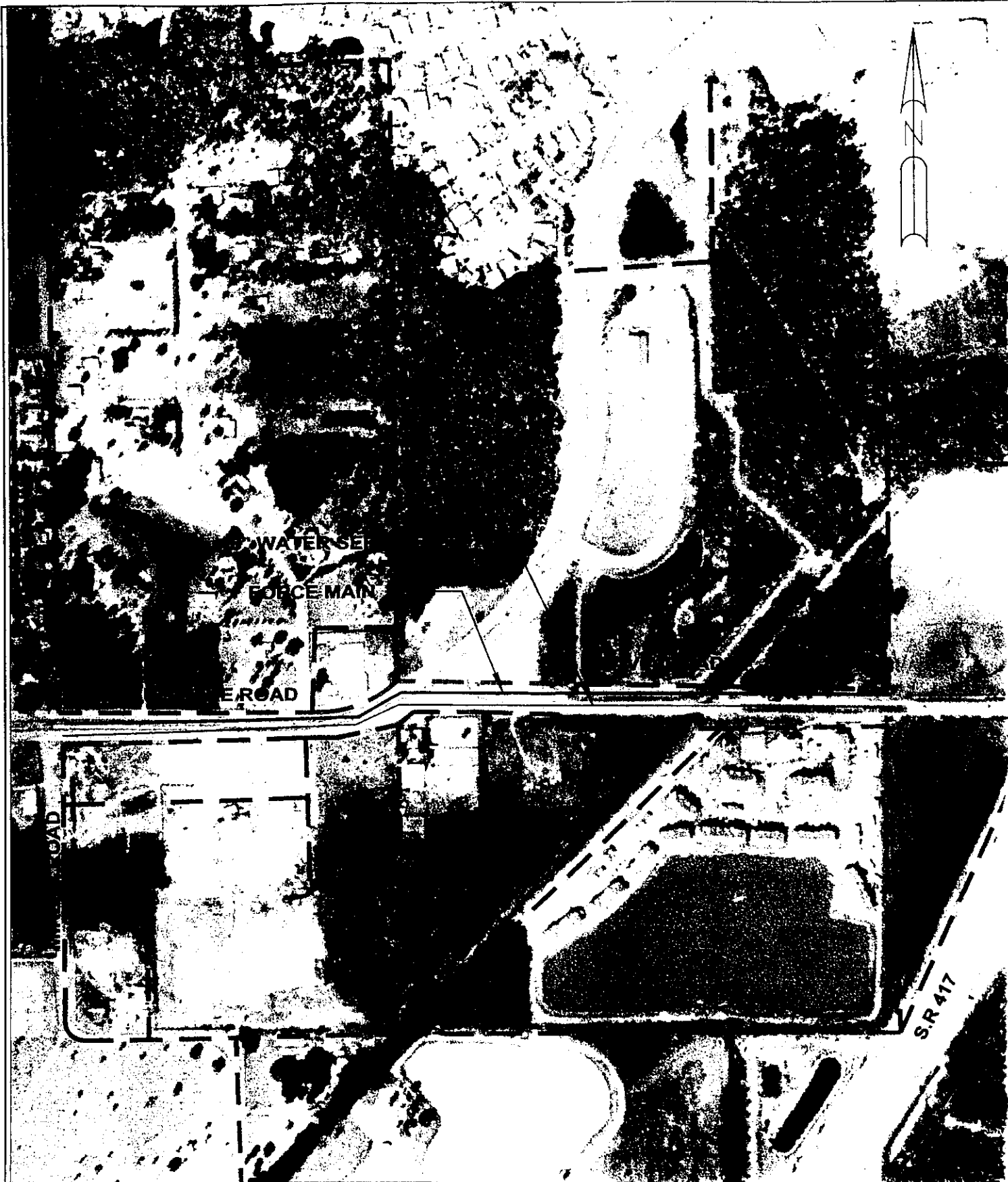
Certificate of Authorization
No. 3215

EXISTING ZONING DESIGNATION

EXHIBIT
4

PUBLIC SERVICES AND FACILITIES IN AMENDMENT AREA

- Wastewater Treatment - Wastewater treatment will be provided by Seminole County (**Section 3, Exhibit 5**).
- Potable Water Supply - Seminole County will provide potable water service to the subject site by means of a 16-inch water line located within Red Bug Lake Road (**Section 3, Exhibit 5**).
- Solid Waste - Based on the Seminole County Comprehensive plan, Seminole County has solid waste capacity available through the long range planning period.
- Fire / Police Protection - Based on information from the Seminole County Police and Fire Departments the average response time for the police Department is four minutes and the average response time for the fire Department is three minutes.
- Transportation - The subject parcels are served by a transportation network consisting of Red Bug Lake Road and S.R. 417 (eastern beltway). The level of service for Red Bug Lake Road is E. (refer to **Section 5: Transportation**).



SOURCE: SEMINOLE COUNTY FUTURE LAND USE MAP



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POTABLE WATER
AND SEWER SERVICE MAP

EXHIBIT
5

ENVIRONMENTAL DESCRIPTION OF AMENDMENT AREAS / PARCELS

- Stormwater Management - Stormwater management within the subject properties, assuming that wet detention is applied requires that one (1) inch or rainfall runoff over site or two and one half (2.5) inches of rainfall runoff from the impervious areas, whichever is greater is treated with the wet retention area. Peak stormwater discharge from the post-developed site shall not exceed the peak stormwater runoff from the pre-developed site. The difference between said volumes may be release over a periods that is not less that 24 hours nor greater that 72 hours. In addition, by meeting the required stormwater standards, the receiving water body (Bear Gully Canal) shall receive stormwater runoff with significantly reduced quantities of sediment, nutrients and other pollutants.
- Wetlands - The presence of on-site wetlands will necessitate verification by an approved Environmental Scientist. As-such, no wetlands have been previously verified to be within the sit.
- Flood Plain - According to the FEMA - Flood Insurance Rate Map (FIRM) of Seminole County, Community Panels 12117C0145 E and 12117C0165 E, both dated April 17, 1995, the parcels have areas which lie with Zone A, an area designated to be within the 100-year flood zone yet have elevations which have not be ascertained (refer to **Section 4, Exhibit 8**).
- Topography - According to the United States Geological Survey (USGS) Topographic map, Casselberry and Oviedo Quadrangles, the project site lies between the elevations of approximately 30 FT-NVGD to 45 ft-NGVD. The topography gradually slopes downward from the west side of the property toward the east and the Bear Gully Canal (refer to **Section 4, Exhibit 6**).
- Soils - A preliminary soil review for use in the ecological evaluation was performed for the project site using the Soil Conversation Service (SCS) Soil Survey of Seminole County. Five (5) soil types were identified to exist within the limits of the subject properties (refer to **Section 4, Exhibit 7**).

**CONSISTENCY OF SUBJECT LARGE SCALE AMENDMENT AREAS/PARCELS
WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN**

The proposed large scale amendments to the Seminole County Comprehensive Plan are compatible with and implement the land use element's objectives and policies as follows:

Policy FLU 5.2 Mixed Commercial/Residential Use Development

The County shall encourage mixed-use developments to discourage urban sprawl, maintain short travel distances between commercial and residential areas and provide transitional uses between low-density residential and nonresidential uses.

The subject parcels are ideally – suited for a Mixed Development designation given their geographical location between existing residential uses and the commercial, planned development, and higher intensity planned development uses along Red Bug Lake Road. The proposed amendment parcels would provide a clear and appropriate transitional use between the low-density residential uses south along Mikler Road and the non- – residential uses north/northeast along Red Bug Lake Road. (Proposed Mixed Development would not be urban sprawl). Additionally, the subject lands would provide opportunities to minimize travel distances between residential and commercial areas.

Policy FLU 5.3 Strip Commercial Development

To discourage the proliferation of urban sprawl, the County shall not designate additional strip commercial development through Plan amendments instead, commercial and retail uses shall be:

- A. Located adjacent to collector and arterial roadway intersections to maintain road capacity and not set a precedent for further strip development; or**

The subject lands have approximately 1,700 feet of frontage along Red Bug Lake Road and located adjacent to the Red Bug Lake Road/Old Red Bug Lake Road/Slavia Road signalized intersection. The subject amendment would not constitute urban sprawl.

- B. Located where commercial uses are the predominant existing use along the roadway in both directions from the site and, therefore, the proposed commercial development represents infill development; or**

The subject lands represent infill development given their unique location relative to the higher intensity planned development uses and planned developments north/northeast of the site, and the commercial uses west of the Tuskawilla Road/Red Bug Lake Road intersection.

C. Located within a mixed use planned development to provide convenient retail services for residents and reduce residential traffic on area roadways; or

The large-scale amendment request a change to Mixed Development thus allowing for a mix uses within a multiple parcel area to encourage flexible and creative design, protect established and future residential neighborhoods from adverse impacts of non-residential development.

The retail/residential mix would create options for shorter travel distances and internalize a portion of the traffic movements.

D. Located adjacent to residential areas only where only where compatibility with the residential area can be maintained in order to preserve neighborhood viability and community character.

The proposed Mixed Development designation will require flexible and creative design in order to protect established and future residential neighborhoods from adverse impacts of adjacent non-residential development.

The Mixed Development designation requires a submittal of a concept master plan. This plan shall illustrate the location of proposed use and indicate densities and intensities. Review and approval of such plan (s) shall be undertaken during the rezoning process with ample public notice (affected property owners).

Per the County's Comprehensive Plan, established residential uses adjacent or near mixed development uses shall be given special attention in order to provide for reasonable transition uses and buffers. A transitional area of compatible residential uses or substantial buffers and building set backs must be provided between the established residential uses and the new non-residential uses.

Policy FLU 5.16

Mixed Use Developments

The Mixed Development future land use designation provides for a mix of uses within a development site or within a multiple parcel area to encourage flexible and creative design, protect established residential neighborhoods from

adverse impacts or nonresidential development and reduce the cost of public infrastructure.

The Mix Development designation is appropriate for the subject lands/area due to:

- 1) The character of the surrounding area has changed to warrant a different land use. A Mixed Development best suits the parcels due to their location relative to the residential and commercial uses along the Red Bug Lake Road corridor.
- 2) Public facilities/infrastructure are available to the site (not requiring public investment).
- 3) Provides for an appropriate "transitional" use given current growth and development patterns.
- 4) Does not constitute urban sprawl.
- 5) Development to occur based on rezoning (site plan) process as approved by staff and county commissioners thus ensuring public review, potential intensity limitations based on traffic studies, and flexible and creative design to protect established and future residential uses from adverse impacts of the non residential components.

Policy FLU 2.5

Transitional Land Uses

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. Exhibit FLU: Appropriate Transitional Land Uses is to be used in determining appropriate transitional uses.

The subject lands serve as an appropriate transitional land use as a direct result of established and emerging growth and development trends.

The subject lands are bounded to the east by a high-density residential land use with a underlying zoning of R- 4. To the north/northeast, the property is bounded by a Planned Development consisting of convenience store and office/retail uses.

Directly west of the subject area, an adult congregate living facility has been approved for construction by the Seminole County Commission.

To the south of the subject area lies the most viable residential areas (mostly undeveloped).

Given this change in character of the immediate surrounding area, a different land use designation is warranted. A change to Mixed Development will provide the County and area residents (present and future) with the appropriate "transitional" land use designation that mandates flexible and creative design, provides for a mix of uses while ensuring the protection of existing and future residential uses from adverse impacts of non residential development.

Administrative Order

**SEMINOLE COUNTY
ADMINISTRATIVE ORDER**

On _____, 2002, Seminole County (the "County") issued this Administrative Order relating to and touching and concerning the following described property:

See attached Exhibit "A"

(The aforescribed legal description has been provided to the County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: Steve and Judy S. Richart, 1701 Mikler Road, Oveido, FL 32765; Janet L. Stone, Trustee, 3320 N. Westmoreland Dr., Orlando, FL 32804; Joseph I. and Sheri T. Denberg, 231 W Trotters Dr., Maitland, FL 32751; Robert T. and Becky A. Navidomskis, 1999 Slavia Rd., Oviedo, FL 32765

Project Name: Mikler/Red Bug PUD

Requested Development Approval: Comprehensive Plan Amendment from Low Density Residential and Planned Development to Planned Development, and rezoning from A-1 (Agriculture) and PCD (Planned Commercial District) to PUD (Planned Unit Development)

After fully considering staff analysis and all evidence submitted at the public hearing on _____, 2002, to this matter, the Board of County Commissioners (the "Board") has found, determined and concluded that the rezoning and land use amendment request, as proposed, would not be compatible with the adjacent neighborhoods, is inconsistent with development trends in the area, and does not serve as an appropriate transitional use.

Prepared by: Cindy Matheny
1101 East First Street
Sanford, Florida 32771

The Board further finds that the development approval sought is inconsistent with the Vision 2020 Plan, the County's land development regulations and all other applicable laws.

Lastly, the Board finds that the owner will retain beneficial use of his property without the requested rezoning and Comprehensive Plan Amendment.

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first above.

By:

Donald S. Fisher
Planning and Development Director

STATE OF FLORIDA)
)
COUNTY OF SEMINOLE)

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Donald S. Fisher, who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____
day of _____, 2002.

State

Notary Public, in and for the County and

Aforementioned

My Commission Expires:

FILE #Z2002-010

ADMINISTRATIVE ORDER # 02-10000001

EXHIBIT "A"

LEGAL DESCRIPTION

EXHIBIT
LEGAL DESCRIPTION

PARCEL A

The West one-half (1/2) of Lot 81, SLAVIA COLONY CO.'S SUBDIVISION, in Section 19 and 20, Township 21 South, Range 31 East, according to the plat thereof as recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida.

This Articles of Agreement is granted subject to the attached Deed Restrictions.

DEED-RESTRICTIONS, STONE PROPERTY

Use of this property shall be restricted to single family dwellings and related buildings, their customary accessory uses; home occupations; the keeping of horses or ponies for the immediate use of the occupant or guests; plant nurseries and greenhouses not involved with retail sales to the general public; stables, barns, sheds, silos, granaries, windmills, and related agricultural structures; truck farms; poultry and livestock production excluding commercial swine production, except such keeping of poultry and livestock shall be for use of the occupant and be of limited nature so as not to create objectionable noise, odor or visual conditions for adjacent properties; churches and structures appurtenant thereto; and grazing and pasturing of animals, except such shall be so as not to create objectionable noise, odor, or visual conditions for adjacent properties.

Each single family dwelling shall have a minimum living area, not including garages, carports, open or screened porches or breezeways, of fifteen hundred (1500) square feet.

REQUIREMENTS, A-1 District:

Minimum building area: 1 Acre, with minimum lot width of 150 feet at building line.

Minimum front, rear and side yards: front: 50 feet from front property or lot line

rear: 30 feet from rear property or lot line

side: 10 feet from side prop line, except where
abuts street or road, then 50 feet.

barns: 50 feet from any property line and 100 feet
from any residence on adjacent lot or parcel

Building Heights shall not exceed 2 1/2 stories or 35 feet in height, except for silos, etc.

LESS OR

That portion of the west half of Lot 81, Slavia Colony Company's Subdivision, lying in Section 19, Township 21 South, Range 31 East, and Recorded P.B. 2, Pg. 71 of the Public Records of Seminole County, Florida; being more particularly described as follows:

Commence at the Southwest corner of the NE 1/4 SE 1/4 of said Section 19; thence run along the South line of the NE 1/4 SE 1/4 N 89° 25' 49" E 105.03 feet; thence leaving said South line run N 00° 34' 11" W 25.00 feet to a point on the South line of said Lot 81, said point also lying on the R/W line of Mikler Road (50' R/W), and said point also being the Point of Beginning; thence run along said R/W line S 89° 25' 49" W 80.00 feet, to the Southwest corner of said Lot 81; thence continue along said R/W line N 00° 30' 35" W 80.00 feet to a point on a curve concave Southwesterly; thence leaving said R/W line and over and across said Lot 81, run Southeasterly 125.62 feet along arc of said curve, having a radius of 79.82 feet, central angle of 90° 03' 36" and a chord bearing of S 45° 32' 23" E to the Point of Beginning.

Containing 1,350 square feet more or less.

EXHIBIT
LEGAL DESCRIPTION

PARCEL B

PARCEL ONE:

Lots 47, 48, 67, 69, 70, and the East 1/2 of Lot 68 of SLAVIA COLONY CO.'S SUBDIVISION in Section 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida; LESS THE FOLLOWING DESCRIBED PARCEL: Begin at the Southeast corner of said Lot 48 run North 01° 00' 31" West along the East line of said Lots 48 and 47 for a distance of 1251.76 feet to the South right-of-way line of Slavia Road (formerly Red Bug Lake Road); thence run South 89° 46' 33" West along said right-of-way line for a distance of 234.55 feet; thence run South 00° 41' 27" East along said right-of-way line for a distance of 5.66 feet; thence run South 89° 18' 33" West along said right-of-way line for a distance of 553.49 feet; thence run South 42° 15' 04" West for a distance of 1697.94 feet to the South line of said Lot 69; thence run North 89° 27' 24" East along the South line of said Lots 69, 70 and 48 for a distance of 1951.72 feet to the Point of Beginning.

AND LESS A PORTION OF LOTS 82 AND 83, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the intersection of the Easterly right-of-way line of Mikler Road, according to the plat thereof, as recorded in Plat Book 6, Page 14, of the Public Records of Seminole County, Florida, with the Southerly right-of-way line of Red Bug Lake Road, for a Point of Beginning; thence run North 88° 26' 11" East, along said Southerly right-of-way line, 987.25 feet to the East line of the West one-half aforesaid Lot 83; Thence run South 01° 02' 35" East, along said East line, 96.50 feet to a point lying a non-tangent curve, concave Northerly; thence run Westerly, along the arc of said right-of-way curve, having a radius length of 1377.28 feet, a central angle of 07° 33' 28", an arc length of 101.67 feet, a chord length of 181.54 feet, and a chord bearing of South 87° 05' 31" West to the point of tangency thereof; thence run North 89° 07' 45" West, 805.88 feet to the aforesaid Easterly right-of-way line of Mikler Road; thence run North 01° 30' 03" West, along the said Easterly right-of-way line, 66.53 feet to the Point of Beginning.

PARCEL TWO:

Lot 80 (LESS the North 30 feet of the East 1/2 of Lot 80), the East 1/2 of Lot 81, the West 1/2 of Lot 83, and Lot 82 of SLAVIA COLONY CO.'S SUBDIVISION in Section 20, Township 21 South, Range 31 East, according to the Plat thereof as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida.

AND

The 30 foot unnamed right-of-way lying west of and adjacent to Lot 69 and east of and adjacent to Lot 80, SLAVIA COLONY CO.'S SUBDIVISION, according to Plat Book 2, Page 71 of the Public Records of Seminole County, Florida, less and except lying within 25 feet of the south lot lines of aforesaid Lots 69 and 80.

LESS A PORTION OF LOT 68, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: Commence at the Northwest corner of the said Southwest quarter, for a point of reference; thence run South 00° 56' 47" East, along the West line of said Southwest quarter, 25.00 feet; thence North 89° 46' 33" East, a distance of 15.00 feet to the intersection of the Southerly right-of-way line of Old Red Bug Lake Road, with the Westerly line of aforesaid Lot 68, thence continue North 89° 46' 33" East, along said Southerly right-of-way line, 329.59 feet to a point lying on the West line of the East half of said Lot 68, said point being the Point of Beginning; thence continue North 89° 46' 33" East along said Southerly right-of-way line, 127.62 feet; thence run South 83° 17' 04" West 85.42 feet; thence run North 81° 47' 28" West, 43.17 feet to the aforesaid West lot line; thence run North 00° 56' 07" West, along said West line, 3.33 feet, to the Point of Beginning.

EXHIBIT
LEGAL DESCRIPTION

PARCEL C

The East 1/2 of Lot 83 and the North 30 feet of the East 1/2 of Lot 80, SLAVIA'S COLONY COMPANY'S SUBDIVISION, according to plat thereof as recorded in Plat Book 2, page 71, Public Records of Seminole County, Florida.

SUBJECT TO restrictions and easements of record.

SUBJECT TO taxes for 1981 and subsequent years.

SUBJECT TO mortgage held by CECIL A. STONE, Trustee, recorded in O. R. Book 1829, page 513, Public Records of Seminole County, Florida, which the Grantee herein hereby assumes and agrees to pay.

EXHIBIT

LEGAL DESCRIPTION

PARCEL D

West 1/2 of Parcel 68, Slavia Colony, as per plat thereof recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida, together with all improvements situate thereon.

SUBJECT TO the restrictions set for in the attached Schedule A.

RESTRICTIONS

Use of this property shall be restricted to single family dwellings and related buildings, their customary accessory uses; home occupations; the keeping of horses or ponies for the immediate use of the occupant or guests; plant nurseries and greenhouses not involved with retail sales to the general public; stables, barns, sheds, silos, granaries, windmills, and related agricultural structures; truck farms, poultry and livestock production excluding commercial swine production, except such keeping of poultry and livestock shall be for use of the occupant and be of limited nature so as not to create objectionable noise, odor or visual conditions for adjacent properties; churches and structures appurtenant thereto; and grazing and pasturing of animals, except such shall be so as not to create objectionable noise, odor, or visual conditions for adjacent properties.

Each single family dwelling shall have a minimum living area, not including garages, carports, open or screened porches or breezeways, of fifteen hundred (1,500) square feet.

Mobile Homes shall be permitted only as temporary use during construction — not to exceed one year.